



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2103683
Applicant Name: Brian Runberg for 33rd Avenue Associates, LLC
Address of Proposal: 3310 NE 125th St

SUMMARY OF PROPOSED ACTIONS

Master Use Permit to establish use for future construction of a 6-story, 74,600 sq. ft. building containing retail at ground level and 63 residential units above. Project includes parking to be provided for 80 vehicles on site in partially below grade garage.

The following approvals are required:

SEPA – Environmental Determination – SMC Chapter [25.05](#)

Design Review – SMC Chapter [23.41](#), involving design departures for
Nonresidential street frontage, depth of streetfront use: SMC [23.47.008 B](#),
Residential lot coverage: SMC [23.47.008 D](#)

SEPA DETERMINATIONS: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions ¹

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

¹ Early DNS published May 9, 2002.

BACKGROUND DATA

Project Description

The proposed mixed-use building includes retail space wrapping around the corner at street level, five floors of residential units above the commercial space and enclosed parking both at and below grade level. Zoned Neighborhood Commercial 3 with a 65 feet height limit (NC3-65), the property is relatively flat.

The proposed design has two significant volumetric elements: a one-story plinth, containing parking and commercial space that extends to the site's property lines, and, above the plinth, five residential floors forming a "T"-shape. The top of the "T" meets the property line at 33rd Avenue N.E. The longer wing steps back from N.E. 125th Street as well as from the north property line creating two separate terraces on the second floor level. The design concept calls for acknowledging the corner condition by forming a tower from the base to the roof. Vehicular and residential entries are proposed along the 33rd Avenue N.E. façade, while commercial access for pedestrian traffic is proposed along N.E. 125th Street.

Site and Vicinity

Located on the northeast corner of 33rd Avenue N.E. and N.E. 125th Street, two blocks from Lake City Way NE, the subject site is currently utilized for surface parking by Children's Hospital staff. The site lies within the Lake City Civic hub, an area of commercial as well as civic uses; the district contains, all within walking distance, a branch library, a community center, a neighborhood service center, a fire station and a post office. An apartment building, a Salvation Army Thrift Store, and a clinic are adjacent to the site. Within a few blocks, other older multi-family buildings constructed from approximately the 1950s to the 1970s comprise the area. Most are three to five stories without significant architectural features. Some single-family structures lie within the business core. Another building type – one- and two-story professional office buildings – occupies several nearby sites.

In recent years, two new mixed-use buildings have been built within close proximity of the site: on the corner of N.E. 125th and Lake City Way NE, a new seven-story mixed-use building with retail/office commercial space on the first and second floors and five stories of residential units

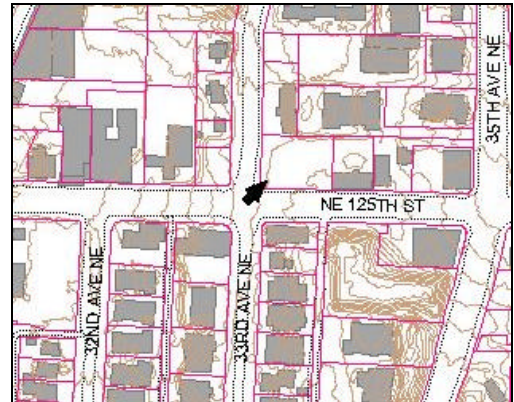


Figure 1. Local topography

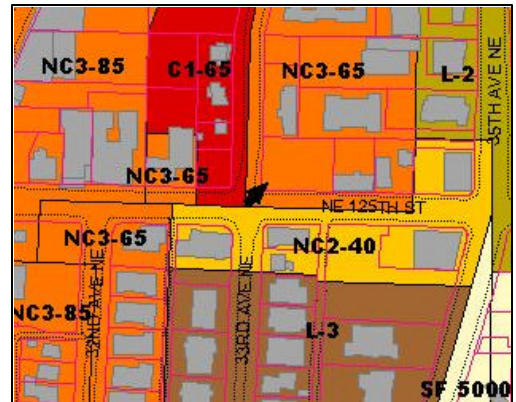


Figure 2. Vicinity Zoning



Figure 3. 1999 aerial view

rise above it; and a block north on Lake City Way NE is a new six-story mixed-use building (the Solara). A third building is under construction at the northeast corner of NE 123rd Street and 31st Avenue N.E. Several proposals for mixed use buildings are in the permit process---one adjacent to the new mixed-use structure on the northeast corner of NE 125th Street and Lake City Way NE and two others by the same development team as the subject project between 31st and 32nd Avenues NE south of NE 125th Street.

[*The Plan for the Neighborhoods of the Lake City Community, 1999-2014*](#) establishes policy objectives for the business district.

Public Comments

One member of the community attended the Early Design Guidance meeting, and no members of the public attended subsequent meetings. There were no comments. DPD received no comment letters.

ANALYSIS OF THE DIRECTOR – DESIGN REVIEW

The applicants presented the project to the Northeast Design Review Board for Early Design Guidance on December 3, 2001, at Eckstein Middle School. The applicant submitted an early design packet, which provides a site and vicinity analysis that informs this report. The packet is available for public review at the DPD Public Resource Center, located on the 20th floor of The Seattle Municipal Tower, 700 5th Avenue.

A subsequent Initial Design Recommendations meeting took place on June 17, 2002, and the Final Recommendations meeting took place on September 9, 2002. Both recommendations meetings were also at Eckstein Middle School. DPD has previously published and distributed the Early Design Guidance and Recommendations reports, and the Board's recommendations are summarized below. The EDG and Recommendations reports are available in the project file, located on the 20th floor of Seattle Municipal Tower.

Recommendations

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

Recommendations – Site Planning

The central storefront entry on NE 125th Street appeared cramped and uninviting. The Board recommended enlarging the entry's size.

The tile paving accent at the corner of the building should be continued to the other entries and used to mark entry façades.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Recommendations – Architectural Elements and Materials

The Board recommended further refinement of the balcony railings. The pre-manufactured railings detract from the overall design concept.

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Summary of Board's Recommendation

The recommendations summarized below were based on the plans submitted at the September 9th, 2002 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the September 9, 2002 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). Four Board members voted to approve the departures for residential lot coverage, commercial street frontage, and depth of street front commercial space.

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Residential Lot Coverage.	Maximum of 64% of lot area	66%	▪ Improved east façade design.	APPROVED
2. Commercial Street Front Facade	Minimum of 80% required.	Reduce by 6' 4"	▪ Most space on NE 125 Street is commercial. ▪ Widened residential lobby entrance.	APPROVED
3. Depth of Street Front Commercial	Average depth of 30 feet.	Reduce by approximately one foot	▪ Slight reduction. ▪ Additional pedestrian amenities.	APPROVED

The Design Review Board members recommended by a 4-0 vote for approval of the subject design with three conditions. The Board recommended the following CONDITIONS (authority referred in the letter and number in parenthesis):

1. The central storefront entry on N.E. 125th Street will be increased in size to provide an adequate vestibule. (A-3)

2. Tile paving patterns similar to those designed for the corner entry will be used at the other commercial and residential entries as well as located at or near storefront entries. A color drawing of the design shall be submitted to the project planner. (A-4, D-1)
3. The balcony railings should have at the very least a double horizontal bar located near the upper railing to emphasize the building's overall horizontality. (C-4)

Director's Analysis – Design Review

The Director is bound by any consensus approval of the design and requested design departures, except in certain cases, in accordance with Section [23.41.014 F3](#). These exceptions are limited to inconsistent application of the guidelines, exceedance of the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws. The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is conditionally **GRANTED**, subject to conditions listed at the end of this report.

ANALYSIS - SEPA

DPD requires a State Environmental Policy Act (SEPA) analysis for a development exceeding four residential units in this zone, according to Director's Rule [23-2000](#). The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on April 8, 2002. This information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”, subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential uses. Due to the proximity of the project site to the residential uses, DPD finds the limitations of the Noise Ordinance to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), mitigation is warranted.

The hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner (or his successor). Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be considered only when the owner(s) and/or responsible party(ies) provide three (3) days prior notice to allow DPD to evaluate the request. See Table 1 and Condition #7, below.

As conditioned, impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy.

Earth

The Stormwater, Drainage, and Erosion Control Code (SDECC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

Soil contamination analysis.

The soils report, construction plans, and shoring of excavations as needed will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a “large project” under the terms of the SDECC (SMC [22.802.015 D](#)). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The SDECC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

Separate excavations will occur to remediate approximately 600 cubic yards of petroleum contaminated soil and to remove 4,800 cubic yards of soil in order to construct the lower level of the structure. The maximum depth of the initial excavation to remediate the soil is approximately 18 feet. This area will be back filled to reestablish existing grades. The maximum depth of excavation for the structure is estimated at 9 feet and will consist of approximately 4,800 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Hart Crowser estimates that approximately 600 cubic yards of petroleum-contaminated soil will be removed from the site, and another 600 cubic yards of clean soil will be brought into the site for replacement purposes. This activity will require 60 round trips with a 10-yard hauling trucks or 30 round trips with 20-yard hauling trucks, which are the standard for this size of undertaking. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. This activity will require 480 round trips with 10-yard hauling trucks or 240 round trips with 20-yard hauling trucks, which are the standard for this size of undertaking. Altogether an approximate total of 600 round trips with 10-yard hauling trucks or 300 round trips with 20-yard hauling trucks.

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC [11.62](#).

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic, which would be generated during construction of this proposal. Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with the City of Seattle to ensure minimal disruptions.

Construction of the project is proposed to last approximately 14 months. Parking utilization in the vicinity is some times near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park on site as soon as it is feasible for the duration of construction. The authority to impose this condition is found in Section [25.05.675 B2g](#) of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Drainage and Erosion Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

The Institute of Transportation Engineers' study of trip generation estimates that the average rate of trip generation per dwelling unit is 44 in the P.M. peak period. With 63 units, the building will likely produce an additional 28 residential trips in the PM peak period. The commercial component of the building totals 3,655 square feet. Based on the ITE manual, the project will produce approximately commercial 18 trips in the PM peak hour, accumulating a total of 46.6 trips for the entire building in the PM peak hour.

Given the moderate number of PM peak hour vehicular trips, the analysis shows that the proposed mixed-use building would have minimal impact in terms of new traffic to the surrounding street network.

Parking

The proposed 80 parking spaces include eight tandem stalls. While the Land Use Code counts these stalls as 1.5 for purposes of the minimum requirement, it is reasonable to consider that such spaces accommodate two vehicles for purposes of assessing off-street parking supply related to potential SEPA impacts. The project therefore includes on-site parking for 84 vehicles, four of which are shared during off-peak daytime hours with the commercial uses. The on-site parking supply is anticipated to adequately meet the demands of the project, and any spillover parking is likely to be minor. The surrounding streets are not at capacity and are able to absorb such moderate spillover. No mitigation of parking impacts is necessary pursuant to SEPA. The retail commercial use, comprising approximately 3,655 square feet, will likely attract customers from the neighborhood. On-street parking spaces can be found in this neighborhood to accommodate the small demand that a retail use of this size would likely produce. The City generally does not require parking for commercial uses utilizing less than 2,500 square feet.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. DPD has determined that this proposal does not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of Master Use Permit or Construction Permit

1. The applicant shall update the Master Use Permit plans to reflect drawings shown after the Design Review Board meeting on March 3, 2004, and the recommendations and conditions of this decision. The applicant shall embed conditions and colored landscape and elevation drawings into updated Master Use Permit and all building permit sets.
2. All changes to the approved design features and elements (including exterior materials, landscaping and ROW improvements) must be subject to review and approval by the Land Use Planner.
3. The central storefront entry on N.E. 125th Street will be increased in size to provide an adequate vestibule. (A-3)
4. Tile paving patterns similar to those designed for the corner entry will be used at the other commercial and residential entries as well as located at or near storefront entries. A color drawing of the design shall be submitted to the project planner. (A-4, D-1)
5. The balcony railings should have at the very least a double horizontal bar located near the upper railing to emphasize the building's overall horizontality. (C-4)

Prior to Issuance of the Certificate of Occupancy

6. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager (Vince Lyons, 233-3823). The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

CONDITIONS-SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction

personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

7. The hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays² to mitigate noise impacts. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner or his successor. Such after-hours work is limited to emergency construction necessitated by safety concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting), or work which would substantially shorten the overall construction timeframe. Such limited after-hours work will be strictly conditioned upon whether the owner(s) and/or responsible party(ies) provide three (3) days' prior notice to allow DPD to evaluate the request.

Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

Table 1. Non-holiday work hours. Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

8. Parking for construction workers shall be provided on-site as soon feasible.

Signature: _____ (signature on file) Date: August 5, 2004
 Scott A. Ringgold, Land Use Planner
 Department of Planning and Development
 Land Use Services

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² Holidays recognized by the City of Seattle are listed on the City website, www.seattle.gov/personnel/employees/holidays.asp